

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS ROOM, 8TH FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON JULY 12, 2004 AT 3:30 P.M.

PRESENT: Chairman Harold O. Johns; Vice-Chairman Timothy B. Smith; and Commissioners Ralph A. Heath, III, Perry T. Pilgrim, Katherine K. Glass, George E. Wallace, and Randy Gilliland

ABSENT: None

ITEM I. ROLL CALL

A call of the roll noted all members present.

ITEM II. MINUTES

There being no additions or corrections, a motion was made by Commissioner Katherine K. Glass and seconded by Commissioner Randy Gilliland, to approve the minutes of the June 14, 2004 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

ITEM III. STAFF REPORTS

A. Youth Planner Report

Mr. Jacob Berg, Youth Planner, stated Ms. Alicia Tundidor, former senior Youth Planner has left to attend college, and they have hired a new junior Youth Planner, Ms. Sara Rodriguez for the coming year. He stated the month of June began with the assignment of a large and extensive task for the youth planners. The 2010 Comprehensive Plan is supplemented by a youth component that was written in 1999. With the recent draft of the Community Plan being published, the youth planners have been assigned the task of rewriting the youth component in order to update it with the goals and objectives outlined in the Community Plan. To better integrate the youth agenda into the city's plan, they have been assigned to assimilate the major goals of the youth component into the full text of the Comprehensive Plan. This process will require a large amount of reading and analysis of the current texts in order to create a new cohesive component. He stated on June 23rd, the Hampton Youth Commission held their annual Boot Camp for new commissioners which was in part planned and staffed by the youth planners. Boot Camp consisted of a variety of team building activities coupled with important information on the history of the Hampton Youth Engagement Movement and the Youth Commission itself. The camp lasted three days and was a

success. The new commissioners seemed very comfortable with each other and eager to begin the new fiscal year.

B. Community Plan Update

Mr. Keith Cannady, Chief Planner, updated the Commissioners on the list of next steps and target dates on the Community Plan. He stated the second draft should be finalized in early September and submitted to the focus group, and meeting with key property owners. Staff would like to schedule a joint meeting between the Planning Commission and City Council with a targeted date for September 22, 2004. Staff will be meeting with the public after the joint meeting, and using the local media. Staff is proposing adoption of the plan in mid-October or December timeframe.

C. Coliseum Central Master Plan Update

Mr. O'Neill stated a notice was sent to the Commissioners and Council members that the Urban Design Associates, a consulting team, was in town the end of June making their visit to receive last reactions and feedback from city staff and the public on the ideas presented and developed for the Coliseum Central Master Plan. He stated Mr. Whipple will be presenting a capsule of the presentation that was presented to the public. He indicated the intent is to finalize draft and bring it to the Commission for a public hearing in August.

Mr. Donald Whipple, Senior City Planner, presented the Commission with a briefing on the Coliseum Central Master Plan which included the information that was gathered, exploring and choosing design ideas, developing a proposal, other initiatives, and receiving public feedback. The next steps are to finalize the plan, which is scheduled for July 2004, endorsements and adoption of the plan in August 2004.

ITEM IV. PRELIMINARY SUBDIVISION

- A. **Orchard at Hampton River** a 9.99+ acre One-Family Residence (R-13) proposed subdivision located at the north terminus of Boxwood Street, containing up to 23 single family lots.

Mr. Matthew Newsom, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. The proposed subdivision plat is consistent with the 2010 Comprehensive Plan that recommends low density residential development for the area.

In response to a question by Mr. O'Neill, Mr. Newsom stated the minimum lot size for R-13 is 12,000 square feet with 80 feet of frontage and 2,000 square foot dwellings.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, The Orchard at Hampton River preliminary subdivision, a proposed 9.99± acre residential development fronting on the north terminus (60'±) of Boxwood Street, beginning 1700'± north of its intersection with Pembroke Avenue, with a maximum depth of 435'± and a maximum width of 1170'±, with access from Boxwood Street and Stonehurst Road; and

WHEREAS: The property is zoned One-Family Residence District (R-13) which allows a minimum of 12,000 square foot lots with 80 feet of frontage and 2,000 square foot dwellings; and

WHEREAS: The subdivider, Coastal Virginia Developers, seeks conditional approval of up to twenty-three single family lots, as shown on the preliminary subdivision plat of The Orchard at Hampton River, dated June 21, 2004; and

WHEREAS: The subject subdivision plat is in conformance with the 2010 Comprehensive Plan which recommends low density residential development for the area where the proposed subdivision will be located; and

NOW, THEREFORE, on a motion by Commissioner Ralph A. Heath, III and seconded by Commissioner Timothy Smith;

BE IT RESOLVED that the Hampton Planning Commission recommends that The Orchard at Hampton River preliminary subdivision plat be approved up to twenty-three single family residential lots, as being in conformance with the 2010 Comprehensive Plan.

A roll call vote on the motion resulted as follows;

AYES:	Smith, Pilgrim, Heath, Glass, Gilliland, Wallace, Johns
NAYS:	None
ABST:	None
ABSENT:	None

ITEM V. PUBLIC HEARING

Mr. O'Neill read the public hearing item notice on the agenda as advertised in the Daily Press on June 28, 2004 and July 5, 2004.

A. Rezoning Application No. 1182

Rezoning Application No. 1182 by Southeastern Capital Investments, LLC to rezone 41.289± acres at 34, 38, 46, and 54 Semple Farm Road from One-Family Residence (R-11) to Multiple Dwelling (MD-3) to permit multi-family units.

Properties are located at the northwest corner of Magruder Boulevard and Semple Farm Road and can be further identified by the following LSRN numbers: 6001044, 6001042, 6001043, 6001045, 6001055, and 6001056.

Mr. Larry Cumming, 2236 Cunningham Drive, Attorney representing the applicant, stated the proposed use will be called Falcon Creek. He stated the current market has limited luxury apartments. He illustrated on a map the number of luxury apartments in the tidewater area and none existed in the City of Hampton. The reason the applicant is proposing to build luxury apartments in the City of Hampton was due to feedback regarding people having to drive to Suffolk, Virginia to obtain this type of housing. After significant effort, the applicant discovered and sought out an appropriate location in the City of Hampton. The location is near the intersection of Magruder Boulevard and Semple Farm Road and the site is approximately 41 acres. The proposed use would provide a transition from commercial development to a residential community. It would satisfy the demand for suburban luxury apartments; it is in proximity to Langley AFB and Hampton Roads Center, North; and it would provide an opportunity to retain high income residents in Hampton. The luxury apartment complex would utilize the retail establishments, but would also preserve the quality of residents that the city would like to keep in Hampton, as opposed to them going elsewhere in the tidewater area. There is one residential home adjacent to the property and vacant land surrounding the site with some wetlands in the area. The units would be set back significantly from the waterways and the adjoining neighborhood (i.e. Baker's Farm). He presented on a slide the front, side, and entrance view elevations. He stated the merits of the proposed project would preserve over 18 acres of wetlands, open space and wildlife habitat; a storm water management lake to protect Brick Kiln Creek; a walking and fitness trail; a density of less than 9 units per acre; a 40 foot landscape buffer along Semple Farm Road; 30 foot landscape buffers along adjacent properties; residential buildings setback 100 feet from adjacent properties; road, curb and gutter and lane improvements; expansion of sanitary sewer facilities; upgrade of existing water facilities; additional fire protection and water quality. The proposed development amenities consist of a 4,000 square foot luxury clubhouse with t.v. and game room; cyber café with espresso and juice bar; concierge services; business center; car care center; outdoor picnic and grill areas; state-of-the-art health and fitness center; and fire pit, cabana, and custom pool. The interior of the home would feature 9 foot ceilings with crown molding; deluxe kitchen with microwave and dishwasher; roman style garden tubs; oversized walk-in closets; and washer and dryer hook-ups. He discussed the market for multi-family housing, demographics, tax advantages and school impacts for the City of Hampton. He summarized that this is an appropriate use of the property; it is a \$32 million development for the City of Hampton; it provides a residential transition from commercial to a residential area; it minimizes the impact on adjoining residential communities; provides additional tax revenue to the city with lower public expenses; improvements to right-of-ways; and it would be developed in a harmonious way, and professionally designed and maintained during its entire life. He submitted to the Commission a petition signed by residents in the community supporting the proposed use.

In response to a question by Commissioner Smith, Ms. Mertig stated the average rent for a one bedroom is between \$744 and \$840, and a two bedroom is between \$801 and \$894.

In response to a question by Commissioner Smith, Mr. Cumming stated the minimum for a single bedroom would be \$850 and it would increase depending upon the size, location, and attachments to the unit.

In response to a question by Commissioner Smith, Mr. Robert Tremblay, Director of Management for the applicant, stated they have to be competitive, but the units are at the high end of the market.

In response to a question by Commissioner Heath, Mr. Tremblay stated the size is consistent with other properties of this type, and 800 square feet is typical for luxury one bedroom/one bath apartments.

In response to a question by Commissioner Smith, Mr. Cumming stated there is some frontage along Magruder Boulevard, and a right-of-way which the applicant is willing to improve within that right-of-way. Although they own only a small portion of the right-of-way frontage, they are willing to provide other landscape amenities from their property down to the intersection of Magruder Boulevard and Semple Farm Road. He stated there are some Chesapeake Bay impacts, and it has to be determined how much can be developed.

Ms. Stephanie Mertig, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. She stated Planning staff recommends approval of the proposed request because the proposed development meets the goals and objectives and the 2010 Comprehensive Plan and other public policy documents.

In response to a question by Chairman Johns, Ms. Mertig stated the percentage of right and left turn travel proceeding onto Magruder Boulevard is 80%.

A motion was made by Commissioner Katherine K. Glass, and seconded by Commissioner Perry T. Pilgrim, to extend the Planning Commission meeting past 5:00 p.m. A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

Mr. Robert Duckett, Director of Public Affairs, 760 McGuire Place, Newport News, Virginia, was in favor of the proposed request. He stated Falcon Creek will help keep high income residents in the City of Hampton. Those residents who live in the City of Hampton are more likely to shop, eat and find entertainment in the city. He is impressed by Beco's willingness to preserve more than 18 acres of wetlands and open

space. He stated this says a great deal about Beco's desire to be a community partner and to create a project that will be enjoyed by many future generations.

Mr. Mathew Winder, Jr., 72 Semple Farm Road, was opposed to the proposed request. He stated the residents continue to support single-family homes through the community effort and idea that they have always had. They are not against development, but he and many others have a problem with developing apartments. He questioned the option of condos or townhouses that can promote a family atmosphere that is compatible with their neighborhood. The residents continue to try to have improvements in their neighborhood and support the city in their efforts of development. He stated there has been a strong effort not to notify the residents regarding the proposed request. He did not feel there was a complete representation of their neighborhood attending the meeting, and asked the Planning Commission to allow the neighborhood more time in order to receive an unbiased report from all of the residents on Semple Farm Road.

Ms. Marilyn J. Wells, resident of Harbour Breeze, Suffolk, Virginia, was in favor of the proposed request. She and her husband work in Hampton, but have never lived in Hampton because they have never found the type of housing they desired. They were looking for a development similar to what was presented, and they found it in Harbour Breeze where they are residents. She stated the developer has delivered on everything they have presented. The apartment complex is a family-oriented community, and on a higher end scale, but affordable and she supports the request.

Ms. Cynthia B. Burwell, 64 Semple Farm Road, was opposed to the proposed request. She is not opposed to growth, but she would like to see the community remain single-family. She stated the proposal presented is that the community is not going to be impacted, but she believes the traffic would be an impact. Although she works in another city, she chose to stay and maintain her residence in Hampton. She stated the residents have only been presented a plan, and she wanted to know why there were no other options such as townhouses, condominiums or other single-family homes. If the decision is made to approve the request, she sees this as the beginning of an unraveling of the fabric of her community for which she loves and has great pride. She asked the Planning Commission to deny the request and keep it as single-family residence.

Mr. Ernest Barber, 175 Langley Avenue, stated he has property at 26 Semple Farm Road. He believes the proposed request is a good idea for the growth and revitalization of the neighborhood. He stated as it stands now, there is no growth in the proposed area. He was in favor of the plan.

Mr. Harold Jordan, 1102 Victoria Boulevard, stated his wife has property on Semple Farm Road. He was in favor of the proposed request, and felt that progress should not be stopped.

Mr. Nelson Barber, 815 Newport News Avenue, stated he is a former resident of 26 Semple Farm Road, and he is in favor of the rezoning and the approval of the multi-family project. The project would provide luxury living apartments, an upgrade to the water utilities, and the overall appearance of the area. He stated he supports Beco wanting to improve the property.

Mr. Dave Griffith, 3000 Holly Park in Eastern Shore, stated he has been working with Beco for the last few years. He stated the quality product that has been developed in Eastern Shore is the same type of product that the City of Hampton would receive, and he favors the proposed request. He stated this type of project is long overdue and it is something that would be good for the city.

Ms. Desiree Rose, 4 Shetland Court, stated she is a community member, and a teacher near the proposed property. She stated this would be a great asset to the community, and a great location for partnership in education. She believes the road widening project would also help accommodate the current traffic situation in the proposed area. She stated the potential partnership the residents could have with the business, apartment complex, and nature trail, would provide a good benefit to the community. She believes that working with Beco in the past with other projects she has been involved with have been an asset to other communities.

Ms. Julia Williams, 802 McCrae Drive, Newport News, Virginia, stated she owns property on Semple Farm Road and she supports rezoning of the proposed property. She stated Semple Farm Road as it is now, is very blighted, and the proposed development would enhance the appearance of the neighborhood which would greatly benefit the entire community.

Mr. Floyd Winder, 75 Semple Farm Road, stated he supports the proposed request because it would improve the overall appearance of the area, the water quality, safety, fire safety, and road improvements.

Mr. Ronnie Yarrington, 35 Northampton Drive, stated this is a win/win situation for the City of Hampton and he supports the proposed request.

Mr. Stephen Adams, 171 Algonquin Road, is in favor of the proposed request. He has visited Harbour Breeze and Riverfront, and they are both outstanding projects. He is familiar with the applicant and his development, and they have always honored everything thing they say they would do. He stated Hampton is in need of luxury apartments which is non-existent. The design, building, and amenities are outstanding, and the traffic analysis indicates that roads would improve and it is an environmentally sound project. He stated this is not the usual apartment complex, and he firmly believes the project would increase the value of surrounding properties.

Ms. Laurie Godsey, 312 Vista Point Drive, presented the Commission with a petition of 90 signatures of residents in Bakers Farm who are opposed to the request. She quoted statistics from Hampton's web site in the community plan and 2010

Comprehensive Plan. She stated the numbers indicate the need for new homes in Hampton. The proposed area is very desirable, and the homes sell within weeks, and sometimes days by owners or agents. The proposed property is prime real estate for high income development. Hampton statistics shows there is a decrease in the number of residents based on the limited number of houses in the high income range. She reiterated the residents' opposition to the request and that the Commission reconsider approval of the request.

Mr. Matt Asay, 5 Tallyho Turn, representing the Northampton Civic Leagues, stated the proposed request was discussed at the civic league meetings, and the league took position to oppose the development. He read the resolution unanimously adopted by the Northampton Civic League on May 4, 2004 opposing the request, a copy attached hereto and made a part hereof.

Commissioner Pilgrim commented on the remarks regarding the proposed use and how people stigmatized living in apartments. He stated many people, for different reasons, whether professionals, empty nesters, people who are here for a short time or long time, but do not want to buy a single-family home at this time, would prefer this type of housing. He stated in regards to the demand for up-scale single-family homes, the property has been vacant for a long time. In regards to the comment on blight, he stated if you review the property, the individual property owners would never find a buyer that would come in to do this type of development because there is the power line going through the center, and wetlands. He believes it is an excellent proposal, and it has been thoroughly researched and presented well, and he is in favor of the proposal.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day a request by Southeastern Capital Investments to rezone 6 parcels totaling 41.3± acres from One Family Residence (R-11) to Multiple Dwelling (MD-3) to allow a multi-family development; and

WHEREAS: The property is located at the northwest corner of Semple Farm Road and Magruder Boulevard; and

WHEREAS: The 2010 Comprehensive Plan recommends low density development with an emphasis on protection of waterways and wetlands; and

WHEREAS: The proposal includes construction of 360 units in 17 structures with recreational amenities such as walking trails, a fitness center, and a community pool; and

WHEREAS: The applicant has submitted a traffic study confirming that the proposal, in concert with current city improvements, will not result in a decreased Level of Service at the adjacent intersection; and

WHEREAS: City consultants Zimmerman and Volk determined that the proposal would not compete with anticipated City projects in the Coliseum Central and Downtown areas, which is consistent with the market study provided by the applicants; and

WHEREAS: Coordinated development of the property is expected to provide a more coordinated maintenance of wetlands and shorelines, and will have less water quality impact than the current vacant use of the property; and

WHEREAS: The location of the site would provide a good opportunity to provide housing options for workers at NASA, Langley Air Force Base, the National Institute of Aeronautics and Hampton Roads Center, and provides an increased ability to support the military bases in the area; and

WHEREAS: The applicant proffered building elevations, a conceptual site plan, installation of a right turn only lane into the development and associated road improvements, several site amenities, landscaped buffers, measures to improve water quality, and a widening of Semple Farm Road if the City is able to acquire the necessary right-of-way; and

WHEREAS: The proposal is consistent with the recommendations of the 2010 Comprehensive Plan; and

WHEREAS: There were speakers present at the public hearing; of those, 4 opposed the rezoning and 11 approved of it. Named concerns included wetland impacts, traffic and school impacts.

NOW, THEREFORE, on a motion by Commissioner Perry Pilgrim and seconded by Commissioner Katherine K. Glass,

BE IT RESOLVED that the Planning Commission respectfully recommends to the Honorable City Council that Rezoning Application No. 1182 be approved.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

Mr. O'Neill read the next public hearing item notice.

B. Rezoning Application No. 1185

Rezoning Application No. 1185 by Nguyen Dung My to rezone 0.18± acres located at 324 & 326 Union Street from One-Family Residence District (R-9) to

General Commercial District (C-3) to permit the operation of a vehicle storage area. The property is located at the northeast intersection of Union Street and Accomac Street, fronting 80'± on the north side of Union Street with an average depth of 100'±.

and

C. **Use Permit No. 994**

Use Permit No. 994 by Nguyen Dung My to obtain a Use Permit to allow the operation of a vehicle storage area at 324 & 326 Union Street zoned One-Family Residence District (R-9) and on the abutting property at 325 & 331 West Pembroke Avenue zoned General Commercial District (C-3).

Mr. Tran representing his wife, Nguyen Dung My, applicant, stated he owns an auto body shop and car sales located at 325 and 331 West Pembroke Avenue. He has property located 324 and 326 Union Street with houses on both properties, but due to continuous break-ins, the houses were demolished. He currently stores cars on the sites.

In response to clarification by Chairman Johns, Mr. Tran stated not being able to collect his rent was one thing, but the second thing was people continued to vandalize his houses, which he had to demolish, and he had to put a fence up to surround the property.

Mr. Edward Haughton, Senior City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. He stated although there is a similar legal non-conforming use at the other end of the block, staff cannot justify a continuation of vehicle storage in this vicinity. A land use change to C-3 may be detrimental to the revitalization efforts of this neighborhood, and therefore Planning staff recommends that Rezoning Application No. 1185 be denied because the request is not consistent with the adopted public policy, the 2010 Comprehensive Plan, the North Armistead/North Back River Road Land Use Plan, and the Downtown Master Plan for this vicinity.

Mr. Haughton stated in regards to Use Permit Application No. 994, the rezoning would have to be approved in order to proceed with the Use Permit. He stated in reviewing the overall site itself, in proximity to Downtown Hampton, improvements are being made to the area which leads to Downtown Hampton. Staff recommends that the Use Permit Application No. 994 be denied because the request is not consistent with the adopted public policy, the 2010 Comprehensive Plan, the North Armistead/North Back River Road Land Use Plan, and the Downtown Master Plan for this vicinity.

In response to a question by Commissioner Wallace, Mr. Haughton stated the property shown on the slide at the other end of the site is a similar use, but it is non-conforming, and has been on the property over thirty years.

Ms. Gerri Hollins, 301 Union Street, submitted a petition to the Commission from her neighbors opposing the proposed rezoning and use permit. She stated she lives across from the site and rats are coming from the applicant's property onto her property. She found a snake skin approximately 30 inches long, and a person that was pruning her yard found a snake coming from the applicant's property. She stated this is considered blight in their community and the residents are concerned about what happens to their community. She stated the neighbors want to help and assist towards the revitalization of Downtown Hampton. She feels that the rezoning should be kept residential, because a commercial district on the proposed property does not work.

Ms. Sadie Brown, 378 West Lincoln Street, President of Old Hampton Community Association, stated the organization is opposed to Rezoning Application No. 1185 and Use Permit Application No. 994. She stated a fence has already been erected after the two houses were demolished and the applicant has not been a good neighbor to the people who are abutting the property. The neighbors have to pick up old car parts that are thrown onto their property. As of now, there is another property which stores vehicles, and because of these vehicle storages, it has turned into junk lots. She asked the Commission to oppose both requests, because the residents are trying to upgrade their neighborhood according to the Comp Plan. The blighted houses have been removed from the area, in the context that new houses will be built for first-time home buyers. She cannot think of anyone who would want to buy a new house or occupy an existing home across from a junk yard, which she believes the proposed request would turn out to be. She stated the use does not create an atmosphere of health, or a place for people or children to reside. Because of the revitalization of Downtown Master Plan, she asked that the Commission oppose the rezoning and use permit.

After discussion, the Commission approved the following resolution for Rezoning Application No. 1185:

WHEREAS: The Hampton Planning Commission has before it this day, an application by Nguyen Dung My to rezone 0.18± acres located at 324 & 326 Union Street from One Family Residence District (R-9) to General Commercial District (C-3) for vehicle storage and that will also require a Use Permit; and

WHEREAS: One Family Residence District (R-9) permits single family dwellings at a density of 5 to 6.5 units per acre; General Commercial District (C-3) allows semi-industrial commercial uses and vehicle storage with a Use Permit; and

WHEREAS: The C-3 District is a quasi-industrial land use and is the least compatible commercial category to abut single family residential uses; and

WHEREAS: This proposal is an attempt to legalize the applicant's current use of the property for vehicle storage in conjunction with the existing auto sales and

repair business located on the abutting property at 325 & 331 West Pembroke Avenue; and

WHEREAS: The proposal conflicts with public policy in the 2010 Comprehensive Plan, the North Armistead Avenue/North Back River Road Land Use Plan and the 2004 Downtown Master Plan that encourage residential uses in this vicinity; and

WHEREAS: The proposal is detrimental to the revitalization efforts of the Old Hampton Neighborhood; and

WHEREAS: There was opposition from the public at the hearing regarding the negative impact of the proposal on the neighborhood; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Perry Pilgrim;

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable Hampton City Council that Rezoning Application No. 1185 be denied.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

After discussion, the Commission approved the following resolution for Use Permit Application No. 994:

WHEREAS: The Hampton Planning Commission has before it this day, an application by Nguyen Dung My to obtain a Use Permit to operate a vehicle storage area located at 324 & 326 Union Street (One Family Residence District R-9) and on the abutting property located at 325 and 331 West Pembroke Avenue (General Commercial District C-3); and

WHEREAS: The proposal is to allow the entire property owned by the applicant to function as a vehicle storage yard; and

WHEREAS: An accompanying Rezoning Application No. 1185 for a land use change of the property at 324 & 326 Union Street from R-9 to C-3 must be approved by City Council prior to consideration of this Use Permit application; and

WHEREAS: This proposal is an attempt to legalize the applicant's current use of the property for vehicle storage in conjunction with the existing auto sales and

repair business located on the abutting property at 325 & 331 West
Pembroke Avenue; and

WHEREAS: The proposal conflicts with public policy in the 2010 Comprehensive Plan, the North Armistead Avenue/North Back River Road Land Use Plan and the 2004 Downtown Master Plan that encourage residential uses in this vicinity; and

WHEREAS: The proposal is detrimental to the revitalization efforts of the Old Hampton Neighborhood; and

WHEREAS: There was opposition from the public at the hearing regarding the negative impact of the proposal on the neighborhood; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Perry Pilgrim;

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable Hampton City Council that Use Permit 994 be denied.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS	None
ABST:	None
ABSENT:	None

Mr. O'Neill read the next public hearing item notice.

D. **Rezoning Application No. 1188**

Rezoning Application No. 1188 by K. Scott Roberts to rezone 0.46± acres located at 1810 East Pembroke Avenue and abutting properties 522, 524 and 526 Marion Road from One-Family Residence District (R-9) to Neighborhood Commercial District (C-1) for a florist shop. The property fronts 268'± on south side of East Pembroke Avenue and fronts 145'± on east side of Marion Road with 240'± across the rear property line.

Mr. Larry Cumming, 2236 Cunningham Drive, Attorney representing the applicant, Mr. Scott Roberts, Architect, and Ms. Rebecca Thompson of Rebecca's Florist, stated this is a redevelopment of an existing site. The proposed site is currently occupied by the florist building and three residential properties. He stated the area is surrounded by commercial, non-conforming, and residential uses. The properties are in need of redevelopment, and the proposal is to demolish the current uses, and to build a new florist shop at the west-end of the property close to the front property line. He stated the building will be far north to stay away from the residential property lines.

There will be a privacy fence, as well as parking and landscaping. He showed the elevations of the proposed building which includes masonry/brick building, and a standing stained metal roof system. He stated the City of Hampton will receive an excellent building which will be an improvement to the community.

Mr. Edward Haughton, Senior City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. He stated Planning staff believes the conditions proffered for proposed request would be a good use. It is compatible with the surrounding neighborhood zoning, and it is in accordance with the 2010 Comprehensive Plan and therefore recommends approval of Rezoning Application No. 1188.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, an application by K. Scott Roberts to rezone 0.46± acres located at 1810 East Pembroke Avenue and abutting properties 522, 524 and 526 Marion Road from One Family Residence District (R-9) to Neighborhood Commercial District (C-1) to operate a florist shop; and

WHEREAS: One Family Residence District (R-9) permits single family dwellings at a density of 5 to 6.5 units per acre; it does not allow commercial or office uses. Neighborhood Commercial District (C-1) allows retail sales of convenience goods and personal services, multi-family and offices; and

WHEREAS: The proposal affords the opportunity for redevelopment of the property and the retention of an existing, locally owned business; and

WHEREAS: While redevelopment activities are often more costly, the applicant is willing to invest in the East Pembroke Avenue corridor, a gate way to the Buckroe Beach area that has received substantial public investment; and

WHEREAS: The 2010 Comprehensive Plan and the Buckroe Neighborhood Plan encourage residential transition uses along the East Pembroke Avenue corridor because these uses are compatible with single family development and the proposed use is a residential transition use; and

WHEREAS: There was no opposition to the proposal from the public at the hearing; and

WHEREAS: Proffers are attached that address site layout, building materials, lighting and hours of operation; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Perry Pilgrim;

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable Hampton City Council that Rezoning Application No. 1188 be approved with conditions.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

Mr. O'Neill read the next public hearing item notice.

E. **Rezoning Application No. 1191**

Rezoning Application No. 1191 by Michael Sifen, Inc. to rezone 1.717± acres at 1620 Todds Lane from One Family Residence (R-11) to General Commercial (C-3) to permit a fully enclosed self-storage facility. The property is located on the southwest corner of Aberdeen Road and Todds Lane.

Mr. Joe Latchum, 721 Lakefront Commons, stated he is representing the Todd family and Michael Sifen, Inc., applicant, on the proposed request. The Todd family had a home built on the proposed property sixty-five years, but the home was demolished after a period of time and a vegetable garden functioned on the site. A turn lane was constructed to ease traffic due to traffic congestion. He stated the request is within a quarter of a mile of the Tysinger property which was presented last month. He believes there are more positives on the proposed site which are in conflict with the staff report (i.e. zoning of R-11 which is not appropriate and low density apartments which brings more traffic). He differs with the plan because things change, and you have to look at each individual situation differently, and balance it against the different plans and policies. This is a raw piece of land that has been for sale for nine years, and taxes have gone up steadily each year. The applicant proposes to spend approximately \$3.8 million to erect a three-story, self-storage, self-contained, climate controlled facility. He projects generating \$35,000 in annual tax revenues, and there are only a few employees that will work on the site. He stated someone in the self-storage sector has determined that there is a need which meets a community service. There is opposition from the Aberdeen Gardens Historic Civic Association, as well as acknowledgements by city staff that the proposed use may not be appropriate on Mercury Boulevard and Aberdeen Road, but the site is near a prime corridor for retail and commercial use. After he received the staff report, it was presented to Mr. Sifen, and a number of changes were made to the proffers and submitted to the Commission. In looking at potential uses for the site, there have been several interested parties (i.e. Eckerd's, but they determined that the site did not suit them; and Auto Zone, who had an interest, but declined). He stated these are the only two big users who had an interest in the nine year history. He concluded that the proposed use does provide a service that is projected. It would be a benefit to apartment dwellers, single-family residents that do

not have sufficient storage, and it is a low traffic generator. He stated this is the second generation of the Todd family, and they are hoping they will not be burdened with the property for an extremely long period of time, and would like to sell the property.

Ms. Stephanie Mertig, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. She stated not being able to sell the property is not a good reason to rezone the property to C-3 in this area. It is not an appropriate land use, nor is it in accordance with the 2010 Comprehensive Plan, and therefore Planning staff recommends denial.

Ms. Patricia Mainor, 4 Barrymore Court, stated she owns property located at 1616 Todds Lane. She concurs with Planning staff's recommendation because the subject area is surrounded with residential. She sympathizes with the Todd family; however, in speaking with other residents in the area, they prefer that the property remain residential. She stated she attended many sessions regarding the Todds Lane/Big Bethel Road Corridor Study, and from the meetings and discussions with homeowners, they came to a win/win situation that the area would be recommended for Residential Transition (R-T), and the proposed request does not meet the standard of R-T in the 2010 Comprehensive Plan.

Mr. Tony Mercurio, 735 Thimble Shaols Boulevard, #100, Newport News, stated he is the District Manager for Todds Shopping Center, adjacent to the site, and he is in opposition to the proposed request. He agrees with Planning staff's recommendation, and stated the proposed use does not fit the lot, and should remain single-family.

Mr. Ronald Moore, 6 Albany Drive, stated he feels the City of Hampton is in much need of taxable revenue, and while the proposed request is being considered, it is an essential, undeniable need for the betterment and welfare of any city. He stated while this request is inescapable, in view of all existing circumstances, it would be far better to see the subject site profiting than to see it sit idle when the proposed use would enhance the corner and be an asset to Northampton Community.

Ms. Roselyn Todd, 304 Patriot Way, Yorktown, stated she is one of the five heirs of the property. She feels the proposed site is not suitable for any type of residential use. She stated the site, located at the corner of Todds Lane and Aberdeen Road is a diminished quality of life. Todds Lane is no longer a residential area due to increased traffic, and road widening. Residential Transition is a possibility, but constructing apartments at that corner would not be good for children. The heirs do like Mr. Sifen's plan, and it is worthy of consideration, but if it fails, they will be back.

Mr. Matt Asay, 5 Tallyho Turn, stated he is concerned with traffic and the appearance of constructing self-storage on the property. He is also concerned with the encroachment of commercial uses into residential areas, and the domino effect of putting more commercial pressure on people who still reside in the area. He stated it is a large site, and it could be better with some other use. He is opposed to the scale of

development, but it is a lot better than other commercial uses, and it is going to get a lot worse for that corner.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day a request by Michael D. Sifen, Inc. to rezone a 1.717± acre parcel at 1520 Todds Lane from One Family Residence (R-11) to General Commercial (C-3) to construct and operate a self storage facility; and

WHEREAS: The 2010 Comprehensive Plan and the *Todds Lane/Big Bethel Road Corridors Study* recommend low density development with an emphasis Residential Transition uses and low traffic impacts; and

WHEREAS: The proposal includes a 3-story 105,000sf self storage facility with garage doors on two sides, with accessory truck rental and a caretaker apartment; and

WHEREAS: The proposed use is much more intense than those uses recommended by the *Todds Lane/Big Bethel Road Corridor Study* and would not provide a transition between Todds Lane and adjacent properties; and

WHEREAS: The proposed size and scale of the structure is eleven times the recommended size of residential transition commercial uses; and

WHEREAS: The applicant has proffered items relating to building elevations and materials, a conceptual site plan, landscape buffering, and prohibited uses; and

WHEREAS: The proposal is inconsistent with the recommendations of the 2010 Comprehensive Plan and the *Todds Lane/Big Bethel Road Corridors Study*; and

WHEREAS: There were speakers present at the public hearing. Named concerns included intensity of the use, appropriateness in this area, transition, expansion of commercial uses and appearance; and

NOW, THEREFORE, on a motion by Commissioner Katherine Glass and seconded by Commissioner Timothy Smith,

BE IT RESOLVED that the Planning Commission respectfully recommends to the Honorable City Council that Rezoning Application No. 1191 be denied.

A roll call vote on the motion resulted as follows:

AYES: Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS: None
ABST: None
ABSENT: None

Mr. O'Neill read the next public hearing item notice.

F. **Use Permit No. 995**

Use Permit No. 995 by Faith Outreach Education Center to amend the conditions that govern the operation of a private school at 3105 West Mercury Boulevard, fronting 250'± on the south side of West Mercury Boulevard at its intersection with the west side of Aspenwood Drive, with an average depth of 200±. The property is zoned Limited Commercial District (C-2), which allows a private school with an approved Use Permit.

Ms. Crystal Caskie, applicant, stated this is a request to amend their use permit to extend the grade limit from 5th grade to 12th grade. They would like Condition #2 to state: "This use permit allows for the instruction of grades kindergarten through twelfth grade with a maximum enrollment, including day care of 200 students. Enrollment figures must be submitted to the Zoning Administrator annually by September 15th. She stated the number of students will not change, just the grade level. This amendment is due to several requests to expand and accommodate children after the fifth grade. If the request is approved, they currently have two student commitments for 6th grade and four student commitments for 7th grade for school year 2004/05. They will add a grade or two every year until they reach 12th grade. With the current maximum class enrollment cap, they could accommodate 48 enrolled students from the 6th through 12th grade combined based on their building structure room availability. The demand for private school decreases as the students advance to middle and upper school years; however, there are some students who perform better in smaller and less complicated school environments. It is Faith Outreach Education Center's goal to provide a Christ-centered, academically excellent education that would meet the needs of those students. Additionally, they will pursue and achieve accreditation with the Association of Christian Schools International by the time 12th grade is added.

Mr. O'Neill stated Mr. Harry Hogan, 5 Aspenwood Drive, had to leave the meeting, but had a concern regarding parking. Mr. O'Neill informed Mr. Hogan that the issue would be addressed before the proposed request was submitted to Council.

Ms. Caskie stated she met with Mr. Hogan, and addressed his concern. She stated Mr. Hogan thought the number of overall students would be increased, but it is not. They currently have more than adequate parking for additional teachers and 11th and 12th grade students that may drive. She stated they are concerned about the neighbors' needs, but this would not cause a negative impact in regards to their concerns.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, an application by Faith Outreach Education Center to amend the conditions that govern the operation of a private school located at 3105 West Mercury Boulevard, zoned Limited Commercial District (C-2), and

WHEREAS: A private school is a permitted use under the current Limited Commercial District (C-2), zoning classification with a Use Permit; and

WHEREAS: This proposal is to increase the grade level from kindergarten through the 12th grade in contrast with the current situation at the existing school which operates grades level from kindergarten through the 5th grade; and

WHEREAS: While the proposal is not consistent with the 2010 Comprehensive Plan, the current zoning allows the use and the existing church has previously been approved by City Council for the proposed use; and

WHEREAS: The net effect of the proposal is that the same number of students that are enrolled in the school will continue their education at the school through the 12th grade; no other changes are proposed; and

WHEREAS: Conditions have been attached that address enrollment, hours of operations, compliance with all regulating agencies, fencing; and

WHEREAS: Schools are an important fabric of the Hampton community and public policy supports investment in our youth through education; and

WHEREAS: No one from the public spoke in opposition at the hearing; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Perry Pilgrim;

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable Hampton City Council that Use Permit No. 995 be approved with conditions.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

Mr. O'Neill read the next public hearing item notice.

G. **Conditional Privilege No. 76**

Conditional Privilege Application No. 76 by Mary Helen Thomas Jackson for live entertainment in conjunction with a restaurant at 87 Lincoln Street.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, an application by Mary Helen Thomas Jackson for live entertainment in conjunction with Mary Helen's Restaurant located at 87 Lincoln Street in Downtown Hampton; and

WHEREAS: A restaurant is a permitted use under the current zoning classification Special-Public Interest District-Old Hampton Business (SPI-OH/Business); and

WHEREAS: This proposal is to provide live entertainment as a complement to the restaurant with a live entertainment venue consisting of pianists, vocalists and jazz combos; and

WHEREAS: A restaurant offering live entertainment contributes to the City's goal to increase the scope of uses and activities in the Downtown Hampton vicinity to create night and weekend activity; and

WHEREAS: The requested use is a compatible neighbor to the existing uses in Downtown Hampton and it is consistent with adopted public policy for the area that supports a vibrant downtown with retail and restaurants; and

WHEREAS: Conditions have been attached that address hours of operations, limitation of use, capacity, amplified music, staffing, grounds for revocation of use and requirement for re-evaluation of the use; and

WHEREAS: No one from the public spoke in opposition at the hearing; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner George Wallace;

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable Hampton City Council that Conditional Privilege No. 76 be approved with conditions.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None

ABSENT: None

ITEM VI. PLANNING DIRECTOR'S REPORT

Mr. O'Neill stated a motion is needed to grant staff authorization to hold two public hearings at the August Planning Commission meeting. The first is consideration of the Coliseum Central Master Plan, and the second is the second part of the amendments to the Chesapeake Bay Preservation Act District. He recalled to the Commission back in April, the presentation on the first part of the mandated regulation changes and at that time staff would progressively pursue the expansion of intensely developed areas which has been one healthy tool that staff has as an urban area to provide land owners with flexibility. Staff is prepared to make a presentation to the Commission as the first step of this process in August.

A motion was made by Katherine K. Glass, and seconded By Perry T. Pilgrim to authorize a public hearing for the Coliseum Central Master Plan. A vote on the motion resulted as follows:

AYES: Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS: None
ABST: None
ABSENT: None

A motion was made by Katherine K. Glass, and seconded By Perry T. Pilgrim to authorize a public hearing for the expansion of the City of Hampton's Special Public Interest-Chesapeake Bay Preservation District/Intensely Developed Area (SPI-CBPD/IDA). A vote on the motion resulted as follows:

AYES: Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS: None
ABST: None
ABSENT: None

Mr. O'Neill commented on the booklet that was distributed to the Commission regarding the design guidelines for Hampton Neighborhoods which is part of the Downtown Hampton Master Plan. These guidelines will go with the loan program aimed towards Pasture Point and the Old Hampton Neighborhood. He stated Ms. Jessica Norgren, the city's architect, performed a wonderful job in preparing the booklet, and saved the city a many funds in putting the booklet together. These standards will be applied to any of the loan programs, whether re-hab or home ownership in each of those neighborhoods to make sure the city achieve what they are looking for.

Mr. O'Neill stated the Buckroe Master Plan will commence on July 20-21, 2004. The meetings and work sessions will be hosted at Saint Joseph's Catholic Church in Buckroe. The public meeting to hear comments will be held Tuesday, July 20th in the

church fellowship hall beginning at 7:00 p.m. He invited the Commission to attend and express their opinions.

ITEM VII. ITEMS BY THE PUBLIC

There were no items by the public.

ITEM VIII. MATTERS BY THE COMMISSION

Commissioner Gilliland stated this is his last meeting, and he enjoyed serving with the Commissioners as well as gaining the experience. He appreciated the expediency of staff answering questions quickly, and the great job they performed.

ITEM IX. ADJOURNMENT

There being no additional items to come before the Commission, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Harold O. Johns
Chairman